



Employment tribunal fees for individuals

From 29 July 2013

Important information

This leaflet sets out the fees for individuals who want to make a claim to the employment tribunals and explains where to find more details about the remission scheme if you think you may qualify. (The remission scheme reduces or removes the fee entirely for some people who are receiving certain benefits or whose income is below a certain level).

If you are bringing an appeal such as a training levy appeal or an appeal against a decision not to make a redundancy payment out of the National Insurance Fund, this leaflet still applies to you, and your appeal is called a 'claim' throughout.

You can see a full list of all tribunal fees on our website at
<https://www.gov.uk/employment-tribunals/legislation>

If you are looking for information on the fees you will have to pay **if your claim is part of a group claim**, please see leaflet T436 'Employment tribunal fees for groups' at <http://hmctsformfinder.justice.gov.uk>

If you are looking for information on the fees you will have to pay **in the Employment Appeal Tribunal**, please see leaflet T437 'Employment Appeal Tribunal fees' at <http://hmctsformfinder.justice.gov.uk>

If you are having trouble reading any of our leaflets online, please contact our Public Enquiry Line, England and Wales 0300 123 1024 or Scotland 0141 354 8574 and we will send you a copy.

Employment tribunal fees

This leaflet tells you how to work out what fees you have to pay and explains how and when you will have to pay them.

You might not have to pay a tribunal fee because of your financial situation or if paying a fee would cause you hardship. The leaflet 'EX160A Court and Tribunal fees - Do I have to pay them?' tells you more about the fee remission system and includes the remission application form. The EX160A is available from any tribunal or online at <http://hmctsformfinder.justice.gov.uk>

If you do not qualify for a fee remission you must pay a fee when you make your claim (the issue fee), and at a later stage if a hearing is necessary (a hearing fee).

The amount you will have to pay depends on:

- the type of claim or appeal you are making; and
- whether it is an issue fee or a hearing fee.

It is very important that you send the correct fee with your ET1 (the claim form).

If you have indicated that you are seeking remission by ticking the appropriate box on the ET1, the quickest way of having your claim dealt with is by sending the fee remission application (EX160A) and evidence with your ET1. If you choose to send the remission application separately, you must send it within at least 7 days of the day you submitted your ET1 claim form. If the remission application and evidence is not received within 7 days, we will reject your claim and return your form to you. If this happens, any time limit which applies to your claim will still be running and you must resend your claim form, with the correct fee within the that time limit.

If you resend your claim form outside the time limit, you will have the opportunity to explain to an employment judge why it is late and ask them to extend the time limit. There is no guarantee that the employment judge will agree to extend the time limit, and they may refuse to hear your claim.

You can pay your fee and make your claim online at the following address.

www.employmenttribunals.service.gov.uk

The online system provides a quick, simple and convenient method to send us your claim. It means that you will not have to post a paper copy of your form with a cheque or postal order, and you will receive instant notification that we have received your claim and taken your payment. The online system will also tell you the right amount to pay.

If you send your claim by post it will take longer to reach us and longer for us to process.

Section 1 – Fees for individuals

Step 1 – What type of claim am I making?

The fee you have to pay depends on the type of claim or appeal you are making and whether or not you qualify for a fee remission.

Please click on the link to the remission guidance on the first page of this booklet for more information on the remission scheme.

'Type A' claims tend to be more straightforward for the tribunal to deal with, and so have lower fees. These include claims about:

- unpaid wages;
- payment in lieu of notice;
- redundancy payments; and
- your employer refusing you time off to go to antenatal classes.

'Type B' claims involve more complicated issues for the tribunal to decide, so the fee you pay will be higher. These types of claim tend to be those involving:

- unfair dismissal;
- discrimination complaints;
- claims under the Public Information Disclosure Act (sometimes referred to as 'whistleblowing').

The online system will help you to select your claim types and then will tell you the correct level of fee for the type of claim you have selected. However, if you are making your claim by post, annex A (see page 10) provides a list of the more common types of claim made to the employment tribunal.

If you are making one type of claim, you can use the information at annex A or in the link above to decide which fee you must pay and then move to step 3.

Step 2 – Does my claim contain more than one type of claim?

Many claims contain more than one claim type but you would only pay one fee - either a type A fee or a type B fee.

The fee you have to pay will be for the highest level of claim you are making. This means that if you are making type A **and** type B claims **or** type B claims only, you will have to pay the type B fee. If your claim contains one or many type A claims, you will have to pay the type A. Here are some examples.

- If you make a claim containing a complaint of unpaid wages (type A) and a complaint of unfair dismissal (type B), you will have to pay one fee at the type B rate.
- If you make a claim containing several type A claims you will only pay the type A fee.

Once you have selected all your claim types on the online system or have decided the highest claim type in your claim if you are making your claim by post, go to step 3.

Step 3 – What fee will I have to pay when I send my claim to the tribunal?

In step 2 you decided what type of claim you were making and which fee level applied.

For **type A** claims the issue fee is **£160**.

Remember this is the total fee you must pay at the time you make the claim, no matter how many type A claims you have included on your ET1 claim form.

For **type B** claims the issue fee is **£250**.

Remember the type B fee is the total fee you must pay no matter how many type B claims are on the form, or if you have put a mixture of type A and B claims on your form.

If you are using the online system and have selected all of your claim types from the drop-down lists, the system will identify the correct fee for you.

Step 4 – When do I have to pay the issue fee?

You must pay the issue fee when you post your claim form to the tribunal or when you submit your claim form online.

You might not have to pay a tribunal fee because of your financial situation or if paying a fee would cause you hardship. The leaflet 'EX160A Court and Tribunal fees - Do I have to pay them?' tells you more about the fee remission system and includes the remission application form. The EX160A is available from any tribunal or online at <http://hmctsformfinder.justice.gov.uk>

Step 5 – How do I pay the issue fee?

If you are submitting your claim online you can only pay by debit card or credit card. This is the quickest and easiest way to make your claim. If you send your claim to us by post, you can pay by cheque or postal order.

If you are making a claim in England and Wales, post your claim with a cheque or postal order for the correct amount to:

Employment Tribunal Central Office
PO Box 10218
Leicester
LE1 8EG

or

DX 743093
Leicester 35

If you are making a claim in Scotland, please send your claim form and payment to:

Employment Tribunals Central Office Scotland
PO Box 27105
Glasgow
G2 9JR

or

DX 580003
Glasgow 17

You should make your cheque payable to **HM Courts & Tribunals Service**.

Please don't send cash by post as we cannot guarantee it will arrive safely.

If you have difficulty paying online by card, or by cheque or postal order by post, please contact the Employment Tribunal Public Enquiry Line, England and Wales 0300 123 1024 or Scotland 0141 354 8574.

If you send your claim form by post but do not include the correct payment, the tribunal will reject your claim and return your form to you. If this happens, any time limit which applies to your claim will still apply. It is very important that if this happens you send the claim form back with the payment due immediately to reduce the risk that your claim will run out of time.

Step 6 – What fee will I have to pay at the hearing?

We will tell you what fee you must pay and when you need to pay it in a letter called the 'notice to pay'.

For **type A** claims the hearing fee is **£230**.

For **type B** claims the hearing fee is **£950**.

Please see step 1 and annex A to find out which level your claim falls into.

Step 8 – When do I have to pay the hearing fee?

We will tell you when you need to pay the fee. If you don't pay the fee when it is due your claim will be delayed and could be dismissed.

You might not have to pay a tribunal fee because of your financial situation or if paying a fee would cause you hardship. The leaflet 'EX160A Court and Tribunal fees - do I have to pay them?' tells you more about the fee remission system and includes the remission application form. The EX160A is available from any tribunal or online at hmctsformfinder.justice.gov.uk

Step 9 – How do I pay the hearing fee?

You can either pay online with a debit card or credit card at www.employmenttribunals.service.gov.uk or you can send us a cheque or postal order by post (please include the information we ask you to provide). We will send you full details of how to pay with your hearing notice.

Section 2 – Other fees

Extra fees you may have to pay

If you want to apply to the tribunal to reconsider a decision it has made following a final hearing, you will have to pay a fee.

For **type A** claims the extra fee is **£100**.

For **type B** claims the extra fee is **£350**.

You do not need to pay when you send us your application. After we receive your application we will tell you what you need to pay. If you do not pay the fee, we will not consider your application.

Extra fees the respondent may have to pay

In some circumstances we may ask respondents to pay certain fees. The respondent is the person or organisation you originally brought your claim against. Here are some examples of the extra fees we may ask respondents to pay.

Employer's contract claim	£160
Application to set aside a default judgement	£100
Application to dismiss following settlement	£60
Application to reconsider a decision following a final hearing	£100 for type A
	£350 for type B
Fee for judicial mediation	£600

If you and the respondent agree to mediation, the respondent will have to pay the fee before the mediation begins. We will tell them when to pay. (Judicial mediation is where an employment judge talks to all the people involved and tries to help them reach an agreement.)

You do not need to pay the extra fees when you send us the application. When we receive your application we will tell you what you need to pay. If you do not pay the fee, we will not consider your application.

Section 3 – Common questions

What if I pay the wrong fee?

If we realise that you have paid a type B fee but you have only made a type A claim, we will refund you the difference.

If you have only paid a type A fee but you have made a type B claim, we will write to you and ask you to pay the difference. If you do not pay the extra fee in the time we tell you, we may reject your claim.

If you do not make the extra payment and we reject your claim, you will be expected to resubmit the claim form within the original time limit.

If you resend your claim form outside the time limit, you will have the opportunity to explain to an employment judge why it is late and ask them to extend the time limit. There is no guarantee that the employment judge will extend the time limit and they may refuse to hear your claim.

Can I get my fees back?

The tribunal has the power to order the respondent to reimburse fees paid by you, in addition to any award it makes. The general position is that, if you are successful, the respondent will be ordered to reimburse you, but the tribunal has no power to order reimbursement of fees paid if you lose your case. You can ask the tribunal to make an order to reimburse fees when it is considering the award due to you, or at any stage up to 28 days after the date on which your judgment was sent to you. Ultimately it is for the tribunal to decide whether it is appropriate that the respondent should reimburse you some or all of the fees you have paid, if you are successful.

Will I be responsible for any fees paid by the respondent?

If the respondent pays any fees, they can ask for you to pay them if they are successful. It will be for the tribunal to decide whether it is appropriate for you to reimburse any fees paid by the respondent, and you will have the opportunity to argue why they ought not to.

What happens if I pay the hearing fee and then no longer need the hearing because I withdraw or settle my claim?

We will not refund any fees that you have paid if you reach a settlement agreement. If you want to settle with the respondent, you must decide the terms between you and the tribunal will not play a part. You should make sure that you discuss any fees paid as part of the agreement you reach.

What happens if I start my claim as an individual, but my claim is added to others for the hearing?

If you start your claim as an individual you will pay the single hearing fee. Any decision an employment judge makes on the best way to decide your claim does not affect the fee you must pay.

If I pay the issue fee can I apply for a hearing fee remission?

Yes. If your circumstances have changed since you paid the issue fee you may qualify for a remission for the hearing fee remitted. Please read the EX160A remission guidance leaflet for information on how to apply.

However, if you qualified for a remission for the issue fee but your circumstances have since changed, you may have to pay the hearing fee.

What happens if I do not pay the issue fee?

It is very important that you send your fee or application for a remission with your claim form. If you do not, we will reject your claim and return your claim form to you. If this happens, any time limit which applies to your claim will still be running and you must resend the claim form, with the correct fee, within that time limit.

If you resend your claim form outside the time limits you will have the opportunity to explain to an employment judge why it is late and ask them to extend the time limit. There is no guarantee the judge will extend the time limit and they may refuse to hear your claim.

What happens if I do not pay the hearing fee?

If you don't pay the fee when it is due, your claim will be delayed and could be dismissed.

Does my fee guarantee that my hearing will go ahead on its listed date?

We will do everything we can to make sure your hearing goes ahead on its listed date, but there may be times when it cannot. If your hearing cannot go ahead on a particular date and you have paid a hearing fee, we will not ask you to pay a separate fee for the new hearing.

If you pay your hearing fee, but the hearing is not needed because you settle or withdraw your claim, you will not be entitled to a refund of the fee. You should make sure that you discuss any fees paid as part of any agreement you reach.

Annex A – Common claim types

Claim	Type
Breach of contract	Type A
Redundancy pay	Type A
Unauthorised deductions (Formerly Wages Act)	Type A
Written pay statement	Type A
Written statement of reasons for dismissal	Type A
Written statement of terms and conditions	Type A
Transfer of an undertaking - failure to inform and consult (TUPE)	Type B
Detriment for enforcing national minimum wage	Type B
Discrimination on ground of Sex	Type B
Discrimination on grounds of Age	Type B
Discrimination on grounds of Disability	Type B
Discrimination on grounds of Race	Type B
Discrimination on grounds of Religion or Belief	Type B
Discrimination on grounds of Sexual Orientation	Type B
Part Time Workers Regulations	Type B
Redundancy – failure to inform and consult	Type B
Suffer a detriment/unfair dismissal - pregnancy	Type B
Unfair dismissal	Type B